

Town Board Minutes

March 19, 2007

Meeting No. 10

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 19th day of March 2007 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: DONNA STEMPIAK, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
RICCARDO ZUPPELLI, POLICE CAPTAIN
TERRENCE McCracken, GENERAL CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- notice of intent by Southeast Works to establish community residences in the Town of Lancaster
- former Depew Library building on Columbia Avenue

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- appointment of a liaison to Greater Buffalo Niagara Regional Transportation Committee relative to the town wide traffic study

Basty, Jeffrey, 15 Northbrook, spoke to the Town Board on the following matter:

- amendment to the Code regarding parking of vehicles on residential streets

Fronczak, Mike, 3 Woodstream Drive, spoke to the Town Board on the following matter:

- violations of conservation law within Pleasant Meadows Subdivision
- suggested that the Town needs a plumbing inspector

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matter:

- Lancaster IDA
- Tops warehouse - IDA agreements

Schneppenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- appointment of a liaison to Greater Buffalo Niagara Regional Transportation Committee relative to the town wide traffic study
- historic cemetery off Pleasant View Drive
- Freedom of Information Law

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- New York State Uniform Fire Code

PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:

At 8:42 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed five year contract for fire services with Bowmansville Volunteer Fire Association, Inc.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Pat Cleary, Chief Bowmansville VFA		Opponent
Roy Schneggenburger	87 Stony Road	Comments

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the public hearing was closed at 8:52 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

March 19, 2007

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 8:52 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed five year contract for fire services with Millgrove Volunteer Fire Department, Inc.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Bob Eleczko, Chief Millgrove VFD		Opponent

ON MOTION BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED, the public hearing was closed at 9:01 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

March 19, 2007

PUBLIC HEARING SCHEDULED FOR 8:50 P.M.:

At 9:01 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed five year contract for fire services with Town Line Volunteer Fire Department, Inc.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
David Szczudlik, Chief Town Line VFD		Comments

ON MOTION BY COUNCIL MEMBER MONTOUR, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 9:02 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

March 19, 2007

PUBLIC HEARING SCHEDULED FOR 8:55 P.M.:

At 9:02 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed five year contract for fire services with Twin District Volunteer Fire Company, Inc.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Ronald Roller, Chief Twin District VFC		Comments

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the public hearing was closed at 9:09 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

March 19, 2007

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
March 5, 2007 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 19, 2007

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by letter dated March 5, 2007, has requested the addition of members to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the following additions to the membership of the Bowmansville Volunteer Fire Association:

ADDITIONS - Active Members:

Scott F. Wenneman	Peter Cimino
384 Olmstead Ave	2 Quail Run Lane
Depew, New York	Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 19, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., has requested the addition of members to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Town Line Volunteer Fire Department the following individuals:

ADDITION:

Andrew Bates	Scott Marshall
924 Exchange Street	5828 Broadway
Alden, New York	Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 19, 2007

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Alrand Development, Inc., 300 International Drive, Williamsville, New York, has requested the Town Board of the Town of Lancaster accept work completed under Street Lighting Public Improvement within Larkspur East Patio Homes Subdivision within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated March 13, 2007, has reported his favorable review for the acceptance of this public improvement.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Larkspur East Patio Homes Subdivision be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 622 - Street Lights
and,

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 19, 2007
File: RPIP (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, tobacco use is the number one preventable cause of death and disability, and

WHEREAS, youth ages 12 - 20 are one-sixth of the population but buy more than a quarter of all movie tickets, and

WHEREAS, half the tobacco shots in the ten top-grossing movies released from May 2002 to May 2003 were in youth-accessible and youth-marketed G, PG and PG 13 films, and

WHEREAS, 80 percent of the ten highest-grossing PG-13 movies and videos released in 1996 - 1997 and 1999 - 2000 featured smoking; and 85 percent of the twenty-five top grossing Hollywood films from 1988 to 1997 showed the use of tobacco, the highest rate in half a century, and

WHEREAS, the 1999 Federal Trade Commission report documented that cigar industry spending on “celebrity endorsement, and appearances, and payment for product placement in movies and television more than doubled between 1996 and 1997, and

WHEREAS, the World Health Organization, American Medical Association, American Academy of Pediatrics, American Legacy Foundation, American Academy of Allergy, Asthma, and Immunology, Society for Adolescent Medicine and others - including the Los Angeles Department of Health Services, US Public Interest Research Group and Interfaith Center for Corporate Responsibility - have endorsed the smoke-free movies solution, and

WHEREAS, twenty-seven state Attorneys General have written the Motion Picture Association of America urging Hollywood to play an active role in reducing the number of children who smoke because of smoking in the movies, and

WHEREAS, the University of California San Francisco has been running an educational and advocacy campaign, Smoke Free Movies, designed to reduce the value of American movies as promotional devices for the tobacco industry through four simple, voluntary actions by the motion picture industry:

Rate New Smoking Movies “R”

Any film that shows or implies tobacco should be rated “R”. The only exceptions should be when the presentation of tobacco clearly and unambiguously reflects the dangers and consequences of tobacco use or is necessary to represent smoking of a real historical figure.

Certify No Pay-Offs

The producers should post a certificate in the credits at the end of the movie declaring that nobody on the production received anything of value (cash money, free cigarettes or other gifts, free publicity, interest-free loans or anything else) from anyone in exchange for using or displaying tobacco.

Require Strong Anti-Smoking Ads

Studios and theaters should require a genuinely strong anti-smoking ad (not one produced by a tobacco company) to run before any film with any tobacco presence, regardless of its MPAA rating.

Stop Identifying Tobacco Brands

There should be no tobacco brand identification nor the presence of tobacco brand imagery (such as billboards) in the background of any movie scene.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby endorses the four objectives of the Smoke Free Movies campaign.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 19, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated March 9, 2007, has recommended the appointment of Dana Bulera, 42 Wilkshire Place, Lancaster, New York 14086 to the position of regular part time tutor with the Youth Bureau of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Dana Bulera, 42 Wilkshire Place, Lancaster, New York 14086 is hereby appointed to the position of regular part time tutor, not to exceed nineteen hours per week, in the Town of Lancaster Youth Bureau at an hourly rate of \$15.00 per hour, effective March 20, 2007, and that this appointment, being a part time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 19, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, in 2005, New York State created the “New York State Commission on Health Care Facilities in the 21st Century” (hereinafter referred to as “Commission”) to reorganize the hospital system in New York State, and to otherwise make hard choices for the hospital system, which has been plagued by financial difficulties, and

WHEREAS, this Commission is comprised of 18 permanent members, with 12 appointed by Governor Pataki, and 3 each appointed by the Senate and Assembly, and

WHEREAS, one of the responsibilities of the Commission is to reduce the number of and downsize hospitals to control costs and improve quality, and

WHEREAS, the Commission made its recommendations to Governor Pataki on November 28, 2006, and

WHEREAS, the Commission’s recommendations will take effect and will be carried out by 2008 since the State Legislature did not reject them in their entirety by December 31, 2006, and

WHEREAS, a recommendation has been made to close St. Joseph Hospital in Cheektowaga, and

WHEREAS, this recommendation has been opposed by the Catholic Health System, and

WHEREAS, the Catholic Health System has already taken action to reduce costs and make its hospitals more efficient by converting Our Lady of Victory Hospital in Lackawanna to other uses and merging St. Jerome Hospital in Batavia into another facility, and

WHEREAS, the Catholic Health System is currently promoting a proposal to reduce the number of beds at St. Joseph Hospital from 208 to 158, and at Sisters Hospital from 413 to 313, and

WHEREAS, residents in the Town of Cheektowaga rely heavily upon the accessibility of St. Joseph Hospital, and, without this hospital in their Town, the lives and health of their residents would be severely jeopardized by requiring them to travel long distances to access the emergency room and health care, and

WHEREAS, the closing of St. Joseph Hospital would have a devastating effect on the local economy by the loss of jobs and the loss of business in the area, and

WHEREAS, St. Joseph Hospital is vital to preserving quality health care and access to health care for Town of Cheektowaga residents, and

WHEREAS, the loss of St. Joseph Hospital would severely affect the poor and uninsured in this area, and

WHEREAS, any suggestion that St. Joseph Hospital should close would be based on cold data rather than the very human needs of the local community.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board strongly urges Governor Spitzer, Assemblyman Dennis H. Gabryszak, Senator William T. Stachowski and all other State representatives from Western New York to help us protect the residents of the Town of Cheektowaga by rejecting the recommendation from the Commission to close St. Joseph Hospital, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Governor Eliot Spitzer, Assemblyman Dennis Gabryszak, Senator William T. Stachowski and all other State legislative delegates from Western New York, and

BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to immediately forward a copy of this Resolution by facsimile and electronic messaging (e-mail) to Governor Eliot Spitzer, the Western New York Delegation of State Senators, and New York State Members of the Assembly.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 19, 2007

PREFILED RESOLUTION NO. 8 - MEETING OF 3/20/07

Giza/ _____ Authorize Agreement Bowmansville VFA Re: Fire Protection
[Bowmansville VFA] -also- Authorize Agreement Millgrove VFD Re:
Fire Protection [Millgrove VFD] -also- Authorize Agreement Town
Line VFD Re: Fire Protection [Town Line VFD] -also- Authorize
Agreement Twin District VFC Re: Fire Protection [Twin District
VFC]

At the request of Supervisor Giza, this resolution was withdrawn for further study.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Town Law Sections 267 and 271, Village Law Sections 7-712 and 7-718, and General City Law Sections 27 and 81 provide that effective January 1, 2007, all planning board and zoning board of appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year, and

WHEREAS, the above sections of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law, and

WHEREAS, the above sections of state law provide that the legislative body of the town, village and city specifies which activities qualify as training to satisfy the state requirements, and

NOW THEREFORE, BE IT

RESOLVED, that the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

- 1) The NYS Department of State: Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation, and
- 2) The New York State Association of Towns, the New York Conference of Mayors, the New York State Association of Counties, the New York Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and its sections, and
- 3) The New York State Planning Federation and subsections thereof, Erie County Department of Environment and Planning, and Erie County Soil and Water Conservation districts, and
- 4) The Albany Law School Governmental Law Center and Institute for Legal Studies, Pace Law School, Cornell University and its cooperative extension, State University of New York at Buffalo, School of Architecture and Planning, and

- 5) On-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy, and

LET IT FURTHER

BE RESOLVED, that other training activities may be approved on a case-by-case basis by the Town Board upon the request of a planning board or zoning board of appeals member, and

BE IT FURTHER

RESOLVED, that any new member appointed to fill the last six months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein, and

BE IT FURTHER

RESOLVED, that training received by a planning board member or zoning board of appeals member in excess of four hours in any one year may be carried over by the member into succeeding years, and

BE IT FURTHER

RESOLVED, that the Town Clerk/Director of the Department of Planning shall create and maintain a system of tracking the training individual members complete annually; and such information shall be presented to the appointing authority prior to considering a member for reappointment.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 19, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated March 14, 2007, has requested the appointment of Police Officer Edward Wojtal to the position of Detective, temporary, to fill the vacancy created by the retirement of Detective Daniel Rinow on February 24,2007.

NOW, THEREFORE, BE IT

RESOLVED, that Edward Wojtal be and hereby is appointed to the position of Detective, temporary, in the Town of Lancaster Police Department, effective March 26, 2007, on step at the following:

3/26/07 to 6/25/07	\$61,563
6/26/07 to 9/25/07	\$62,438
9/26/07 to full rate	\$63,313

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 19, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster is engaged with Greater Buffalo Niagara Regional Transportation Council (GBNRTC) for the purpose of completing a traffic study for the Town of Lancaster, and

WHEREAS, the Town Board after due review and consideration has determined that it is in the interest of the Town to assign and designate a liaison to work on behalf of the Town with GBNRTC, and

WHEREAS, the Chairman of the Planning Board, Stanley Jay Keysa has indicated his willingness to be so assigned since the traffic study will impact issues which come before the Town Planning Board in its advisory role to the Town Board on rezone petitions, subdivision and site plan review activities;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby appoints Stanley Jay Keysa to act in a capacity as liaison for the Town with the GBNRTC relative to the traffic study being completed by GBNRTC for the Town of Lancaster at compensation of \$60 per hour not to exceed 100 hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 19, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws,
and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 2007, entitled “UNIFORM CODE: MINIMUM STANDARDS FOR ADMINISTRATION AND ENFORCEMENT” as set forth in Title 19, NYCRR, Part 1203 - “Uniform Code: Minimum Standards for Administration and Enforcement” attached hereto and made a part hereof:

**UNIFORM CODE: MINIMUM STANDARDS FOR
ADMINISTRATION AND ENFORCEMENT**

**Proposed
Local Law
Of the Year 2007**

**A LOCAL LAW TO REVISE THE MINIMUM STANDARDS FOR ADMINISTRATION
AND ENFORCEMENT OF TITLE 19, NEW YORK CODES, RULES AND
REGULATIONS WITH RESPECT TO THE UNIFORM FIRE PREVENTION AND
BUILDING CODE.**

BE IT ENACTED, by the Town Board of the Town of Lancaster, New York as set forth in Title 19, NYCRR, Part 1203 - “Uniform Code: Minimum Standards for Administration and Enforcement,” attached hereto and made a part hereof.

When effective.

This chapter shall become effective upon filing with the Secretary of State.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law of the Year 2007, entitled “Uniform Code: Minimum Standards For Administration and Enforcement” will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o’clock P.M., Local Time, on the 2nd day of April, 2007, and that Notice of the Time and Place of such Hearing shall be published on March 22, 2007, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2007, entitled “Uniform Code: Minimum Standards for Administration and Enforcement” available for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 19, 2007

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted March 19, 2007, the said Town Board will hold a Public Hearing on the 2nd day of April, 2007 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2007, entitled "Uniform Code: Minimum Standards for Administration and Enforcement" briefly described as follows:

**A LOCAL LAW TO REVISE THE MINIMUM STANDARDS FOR
ADMINISTRATION AND ENFORCEMENT OF TITLE 19, NEW YORK
CODES, RULES AND REGULATIONS WITH RESPECT TO THE
UNIFORM FIRE PREVENTION AND BUILDING CODE.**

A complete copy of this proposed Local Law of the Year 2007, entitled "Uniform Code: Minimum Standards for Administration and Enforcement" is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

March 19, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER AMATURA, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 7324 to Claim No. 7587 Inclusive

Total amount hereby authorized to be paid: \$299,895.67

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 19, 2007

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW)** = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver.
(V/L) = Village of Lancaster

NEW PERMITS:

14379	North Forest Devel.	2809 Wehrle Dr	Er. Sign-Wall	
14380	Ryan Homes	8 Anthony Dr	Er. Dwlg.-Sin.	
14381	Kassirer, Shawn	141 Robert Dr	Er. Res. Add.	(V/L)
14382	Marrano/Marc Equity	5 Sweet Brier Ct	Er. Dwlg.-Sin.	
14383	Marrano/Marc Equity	36 Chicory Ln	Er. Dwlg.-Sin.	
14384	Dymond Enterprises	117 Irwinwood Rd	Er. Pool-Abv Grnd	(V/L)
14385	Lent Builders Inc	3919 Walden Ave	Er. Comm. Alt.	
14386	Natalie Builders	26 Nicholas Ln	Er. Dwlg.-Sin.	
14387	Natalie Builders	28 Nicholas Ln	Er. Dwlg.-Sin.	
14388	Grau Builders Inc	3 Logan Ln	Er. Dwlg.-Sin.	
14389	Capital Fence Co	541 Lake Ave	Er. Fence	
14390	Colley's Pool Sales	204 Pleasant View Dr	Er. Pool-In Grnd	
14391	Colley's Pool Sales	204 Pleasant View Dr	Er. Fence	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

March 19, 2007

COMMUNICATIONS & REPORTS:

122. Lancaster Public Library to Town Clerk -
Listing of Lancaster Library Board officers for 2007 and notification of monthly meeting time.
DISPOSITION = Received and Filed
123. Town Clerk to Town Board -
Town Clerk's monthly report for February 2007. DISPOSITION = Received and Filed
124. Caron L. Garcia to Town Board -
Notice of intent to retire effective March 31, 2007. DISPOSITION = Received and Filed
125. Southeast Works to Supervisor -
Notice of intent to establish community residence at 5360 William Street. DISPOSITION =
Town Attorney
126. NYS DEC to Town Attorney -
Notice of lead agency designation regarding proposed Tim Horton's Restaurant, 4849 Transit
Road; concerns noted. DISPOSITION = Planning Committee
127. Wm. Schutt & Associates, P.C. to Planning Board Chairman -
Comments resulting from preliminary site plan review for proposed addition to Salvatore's
Italian Gardens restaurant. DISPOSITION = Planning Committee
128. Town of Newstead to Town Board -
Transmittal of resolution memorializing NYS Legislature and Governor to enact legislation
mandating stricter penalties for those who use the internet to commit sex crimes against
children. DISPOSITION = Received and Filed
129. Attorney to Town Clerk -
Advisement of liquor license application for Hennigan LLC, 5809 Broadway. DISPOSITION
= Town Attorney
130. Association of Erie County Governments to Town Board -
Notice of meeting to be held March 22, 2007, 6:30 PM in Buffalo. DISPOSITION =
Received and Filed
131. Erie County Department of Environment & Planning, Division of Sewerage
Management to Supervisor -
Comments regarding proposed Wainwright Court Subdivision. DISPOSITION = Planning
Committee
132. Village of Lancaster to NYS DOT -
Letter regarding October storm damaged trees along Broadway. DISPOSITION = Received
and Filed
133. NYS Office of Real Property Services to Supervisor -
Notice of determination of Residential Assessment Ratio for town. DISPOSITION =
Received and Filed
134. NYS DOT to Supervisor -
Notice of approval for water line betterment as part of Transit Road reconstruction.
DISPOSITION = Received and Filed
135. Town of Evans to Town Board -
Request proclamation to observe "Municipal Clerk's Week", April 29, 2007 -
May 5, 2007. DISPOSITION = Received and Filed
136. NYS DEC to Town Board -
Transmittal of Amendment No. 1 to the Federal Fiscal Year 2007 Clean Water State
Revolving Fund indicating sources and uses of funds for water pollution control projects.
DISPOSITION = Received and Filed
137. Desiderio's on Broadway to Town Clerk -
Advisement of application for liquor license renewal. DISPOSITION = Town Attorney

138. Wm. Schutt & Associates, P.C. to Town Board -
Recommend acceptance of Public Improvement Permit #622, Street Lighting, for Larkspur East Patio Homes Subdivision. DISPOSITION = Resolution 3/19/07
139. Bowmansville Volunteer Fire Association to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 3/19/07
140. Town Line Volunteer Fire Department to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 3/19/07
141. Southeast Works to Supervisor -
Notice of intent to establish community residence at 4797 William Street. DISPOSITION = Town Attorney
142. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Deputy Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held March 7, 2007. DISPOSITION = Received and Filed
143. Executive Director, Youth Bureau to Supervisor -
Request resolution to appoint Dana Bulera tutor part time. DISPOSITION = Resolution 3/19/07
144. Planning Board to Town Board -
Recommend approval of site plan for proposed Salvatore's Italian Gardens addition; conditions noted. DISPOSITION = Planning Committee
145. Planning Board to Town Board -
Notice of adjournment to April 18, 2007 regarding site plan for proposed Tim Horton's Restaurant, 4849 Transit Road. DISPOSITION = Received and Filed
146. NYS DEC to Supervisor -
Notice of violations of NYS conservation law within Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
147. NYS DEC to Supervisor -
Congratulatory letter of recognition as a Tree City, U.S.A. for 2006 and invitation to recognition ceremony. DISPOSITION = Received and Filed
148. Stanley Jay Keysa to Supervisor -
Letter of proposal to conduct comprehensive traffic study. DISPOSITION = Resolution 3/19/07
149. NYS DEC to Town Attorney -
Notice of lead agency designation regarding proposed Salvatore's Italian Gardens addition; comment noted. DISPOSITION = Planning Committee
150. Building Inspector to Town Board -
Confirmation that present parking exceeds requirements regarding proposed Salvatore's Italian Gardens addition. DISPOSITION = Planning Committee
151. Town of Orchard Park to Town Board -
Transmittal of resolution memorializing NYS Legislature and Governor to enact legislation mandating stricter penalties for those who use the internet to commit sex crimes against children. DISPOSITION = Received and Filed
152. Frank's Grille to Town Board -
Notice of application for renewal of liquor license. DISPOSITION = Town Attorney
153. Building Inspector to Jeffrey Basti -
Comments in reply to questions from last Board meeting regarding "Buffalo Bounce House". DISPOSITION = Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MONTOUR AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:33 P.M. in memory of Edward Krafchak, Donald Hess, Louis Monin DDS and Judy Guenther.

Signed _____
Johanna M. Coleman, Town Clerk

